



Docket No.: 244170US2S CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

ECKHARD H. KUESTERS
(703) 413-3000
EKUESTERS@OBLON.COM

RE: Application Serial No.: 10/690,744

Applicants: Masahiro YOKOTA, et al.

Filing Date: October 23, 2003

For: IMAGE DISPLAY APPARATUS AND
MANUFACTURING METHOD AND
MANUFACTURING APPARATUS FOR IMAGE
DISPLAY APPARATUS

Group Art Unit: 2879

Examiner: Patel, A.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

Registration No. 28,870

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



DOCKET NO: 2441701885 FRONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASAHIRO YOKOTA ET AL : EXAMINER: PATEL, A.
SERIAL NO: 10/690,744 :
FILED: OCTOBER 23, 2003 : GROUP ART UNIT: 2879
FOR: IMAGE DISPLAY APPARATUS :
AND MANUFACTURING METHOD AND
MANUFACTURING APPARATUS FOR
IMAGE DISPLAY APPARATUS

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election Requirement dated March 8, 2005, Applicants provisionally elect with traverse Group II, Claims 8-22, 38-46, 55-58, 74-77 and 89-104, drawn to a method, classified in class 445, subclass 23 for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

Application No. 10/690,744
Reply to Office Action of March 8, 2005

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-106 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

I:\ATTY\EHK\AMEND-RESPONSES\0039\24S\244170US-TRAVERSED ELECTION.DOC